

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JUDGE: Sean D. Jordan

COURT REPORTER:  
Gayle Wear

COURTROOM DEPUTY:  
Bonnie Sanford

**WALMART INC.**

**v.**

**Case No. 4:20cv817**

**U.S. DEPARTMENT OF JUSTICE ET AL**

PLAINTIFF: Clyde Siebman, Benjamin Mizer, Jason Varnado  
Karen Hewitt, David Ogden (by video)

DEFENDANT: Kate Talmor (by video)

Also appearing: Peter Weinberger (by video)

**This day came the parties and by their attorneys the following proceedings were held before Judge Sean D. Jordan in Plano, Texas on 1/26/21.**

**Motion Hearing (Motion to Dismiss de#43)**

10:03 am The court called the case, noting the appearance of counsel and parties.

10:05 am The court takes up the Motion to Dismiss (de#43).

10:07 am Ms. Talmor presents argument to the Court for the Defense

10:26 am Mr. Mizer presents argument to the Court for the Plaintiff.

11:13 am Ms. Talmor presents rebuttal and further argument to the Court.

11:53 am Mr. Mizer addresses questions from the Court.

11:57 am Court recessed until 12:10 pm.

12:10 pm Court resumes. Final argument by Mr. Mizer.

12:19 pm Final argument by Ms. Talmor.

12:38 pm Mr. Mizer addresses questions from the Court.

12:43 pm Response by Ms. Talmor.

12:46 pm Further briefs to be filed by the end of the week, no more than 10 pages.

12:47 pm Court adjourned.